

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JANEAN J. GOODWIN,	)	8:07CV199
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security	)	
Administration,	)	
	)	
Defendant.	)	

This action is before me upon Plaintiff's motion for attorneys fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). (Filing 32.) The motion for attorneys fees requests that fees be paid directly to Plaintiff's counsel, and Plaintiff has filed with the court an agreement in which she assigns any attorneys fees she may be awarded to her attorney. (Filing 32-4.) The Commissioner's response states that the parties have jointly agreed to an award of attorneys fees in the amount of \$5,688.80 and that the Commissioner does not object to payment being made directly to the attorney. (Filing 34.) Plaintiff's counsel has orally advised the court that he has agreed to accept \$5,688.80 in attorneys fees, rather than the \$6,688.80 he originally sought. (*See* filing 32.)

I will award EAJA attorneys fees in accordance with the parties' agreement, which I construe as an acknowledgment that Plaintiff was the prevailing party and the position of the Commissioner was not substantially justified. Although the motion for attorneys fees includes a request for reimbursement of the filing fee as EAJA costs (filing 32), Plaintiff has also filed a separate bill of costs also seeking reimbursement of the filing fee (filing 39). I will deny the request for reimbursement of costs

contained in the motion before me, without prejudice to the pending bill of costs. The filing fee is properly reimbursed through taxation of costs, and Plaintiff has not assigned her right to costs to her attorney.

Accordingly,

IT IS ORDERED:

1. Plaintiff's application for attorneys fees and costs (filing 32) is granted in part and denied in part.
2. Plaintiff's request for reimbursement of costs is denied without prejudice to the pending bill of costs (filing 39).
3. By separate document, the court shall enter judgment for Plaintiff and against Defendant providing that Plaintiff is awarded attorneys fees in the amount of \$5,688.80.
4. Payment of attorneys fees shall be made directly to Plaintiff's attorney.

May 20, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge